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U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MICHAEL MINTZ,

Plaintiff,

-against-

MEMORANDUM & ORDER  
14-CV-7044 (JS) (SIL)

TRANSWORLD SYSTEMS, INC.,

Defendant.  
-----X

APPEARANCES

For Plaintiff: Edward B. Geller, Esq.  
15 Landing Way  
Bronx, NY 10464

For Defendant: Aaron R. Easley, Esq.  
Sessions Fishman Nathan & Israel LLC  
3 Cross Creek Drive  
Flemington, NJ 08822

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Steven I. Locke's Report and Recommendation ("R&R") recommending that this Court grant defendant Transworld Systems Inc.'s ("Defendant") motion to dismiss. (R&R, Docket Entry 25.) For the following reasons, the Court ADOPTS Judge Locke's R&R in its entirety.

BACKGROUND

On December 3, 2014, plaintiff Michael Mintz ("Plaintiff") commenced this action against Defendant asserting a claim under the Fair Debt Collection Practice Act ("FDCPA"). (See generally Compl.) On November 5, 2015, Defendant filed a motion to dismiss or, alternatively, to enter judgment on the pleadings.

(Def.'s Mot., Docket Entry 18.) Defendant argues that Plaintiff lacks standing based on the "exclusive authority" of his bankruptcy estate and/or trustee to assert his claims. (Def.'s Mot. ¶ 1.) Defendant also argues that Plaintiff should be judicially estopped from asserting his FDCPA claim based on his failure to disclose this matter to the bankruptcy court. (Def.'s Mot. ¶ 2.)

On April 12, 2016, the undersigned referred Defendant's motion to Judge Locke for an R&R on whether the motion should be granted. (Docket Entry 24.)

On May 16, 2016, Judge Locke issued his R&R recommending that Defendant's motion be granted and the Complaint be dismissed. (R&R at 18.)

#### DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen (14) days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Locke's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Locke's R&R (Docket Entry 25) is ADOPTED in its entirety. Defendant's motion (Docket Entry 18) is GRANTED and this action is DISMISSED WITH PREJUDICE. The Clerk of the Court is directed to enter judgment accordingly and mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: August 12, 2016  
Central Islip, New York